

REMARKS

The claims have been amended to more precisely define the invention. In the office action, claim13 was rejected under 35USC112 because of failure to strike out “12”. That has been corrected in this amendment.

In the office action, claims 8 and 13 were rejected under 35USC112 because subject matter in claims was not described in specification in a way to enable a user.

It is respectfully submitted that the rejection is improper for the following reason:

The drawing Fig. 6, in combination with the paragraph of the specification page 3 – “Referring now to Fig. 6, another embodiment of the invention is shown in which the spring bias is provided by a leaf spring 16’ attached to the base 9” by a shackle 19. The free end 20 of the spring slidingly engages the platform 4” to springably resist rotation of the axle 2” fixed to the platform about the bearings 27’ affixed to the base. “ --is indeed enabling.

The axle 2” is fixed to the platform. The axle rotates in the bearings 27’ affixed to the base. Consequently, the platform is stable and free to rotate about the axis of the axle 2” relative to the base. Rotation of the platform about the axis is controlled by two forces, the belt tension pulling it counterclockwise, and the spring 16’ pushing it clockwise. The free end 20 of the spring does indeed slide against the underside of the platform where its force is applied. However, because the spring is anchored to the base at shackle 19 and bears against the base at its midpoint, it is quite stable in its operation. In fact, applicants have been employing this embodiment successfully in industry. Please note that a spring mechanism in Examiner’s cited reference 2,360,428 to Larsen likewise has one end anchored to the base and the other end sliding on a chair with a midpoint bearing against the base. There is no indication that Larsen mechanism is unstable.

In the office action, claim 8 was rejected for new grounds of rejection under 35USC 103(a) as unpatentable over Kimble (1,433,553) in view of Andersen(2,202,413).

In the office action, claim13 was rejected for new grounds of rejection under 35USC 103(a) as unpatentable over Kimble (1,433,553) in view of Andersen(2,202,413) and further in view of Larsen (2,360,428).

Examiner states that ---Kimble discloses a pivotal motor mount comprising a pivotal connecting means between the base and the platform for pivoting the platform about an axis parallel to the shaft of the motor and spring means to resist the pull of the

belt on the motor to apply tension, but not a leaf spring interposed between platform and base. However Andersen teaches, in his Fig. 6, providing a leaf spring for tensioning between motor casing and base. He further states that --It would have been obvious to substitute the leaf spring of Andersen for the coil spring of Kimble BETWEEN THE PLATFORM AND BASE OF KIMBLE.

As for Examiners rejection of claim 13, on the same basis as claim 8 rejection and further in view of Larsen because Larsen teaches the leaf spring attached as claimed.

It is respectfully submitted that the application is improperly rejected for want of a *prima facie* showing of obviousness.

It is respectfully submitted that the invention as herein claimed is unobvious over the prior art for the following reasons:

The scope and content of the prior art:

What Kimble teaches is a compression spring that is not interposed between platform and base, but above the platform.

What Andersen teaches is a motor not on a pivoting platform, but mounted on a base 6 solely by the single curved spring plate 16. The plate 16 pulls the motor away from the belt and also downward. "the spring plate 16 is always exerting a constant self-compensating pull on the belt AND THE DOWNWARD COMPONENT OF FORCES HOLDS THE MOTOR FIRMLY AGAINST THE BASE BLOCK AND PREVENTS VIBRATION." (col 2, line48).

Neither of the above teach a leaf spring interposed between a pivoting platform and a base as claimed. Absence of a claimed element is *prima facie* evidence of unobviousness.

Kimble teaches away from the claimed invention by using a coil spring and positioning it above the platform. This is opposite teaching, which is *prima facie* evidence of unobviousness.

Andersen teaches no pivoting platform, the spring interposed between direct connection to the motor and the base. His action moves the motor through an indeterminate arc rather than pivoting around an axis parallel to the motor shaft as claimed. . This is opposite teaching, which is *prima facie* evidence of unobviousness.

The combination would not function as Kimble intended since it would not pivot the motor, but move it through the arc described by Andersen—back and down.

Examiner has not cited any reference suggesting his combination be made.

Larsen teaches a leaf spring with connections that are not between a pivoting motor mount platform and a base.

Since the prior art combinations suggested by the Examiner lacks elements of the claims, are opposite teaching, and do not function as intended, it is therefor unobvious. In re Clinton, 527 F. 2d, 188 USPQ365 (CCPA 1976)

The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on Applicant's disclosure. In re Vaeck, 947 F.2d 488, USPQ 2d 1438 (Fed.Cir. 1991).

If the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims *prima facie* obvious. In re Ratti, 270 F.2d 810, 123 USPQ 349 (CCPA 1959).

The showing of suggestion to combine must be clear and particular. Examiner has made no such showing. In re Dembicza, 175 F.3d 994, 50 USPQ 2d. 1614 (Fed. Cir.1999).

In view of the foregoing, it is urged that the Examiner withdraw the rejections and allow the claims. If there are any comments, questions or suggestions to be made, the Examiner is respectfully invited to telephone the applicant's representative at the telephone number given below for prompt disposition of any still outstanding matters.

Reconsideration is respectfully requested.

Respectfully submitted,


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